

REMARKS

With entry of this amendment, claims 1-3 and 30-44 are pending in this application, claims 1-3 of which stand rejected, claims 30-40 of which have been allowed, and claims 41-44 of which have been newly added. Non-elected claims 4-29 have been cancelled. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Drawing Objections

The drawings have been objected to as not designating the prior art figures with the legend "Prior Art." As shown in the attached marked-up drawing sheets, Applicant has amended Figs. 3-9 to include the prior art legend. As such, Applicant respectfully requests withdrawal of the drawing objections.

Claim Rejections-35 U.S.C. §102

Claims 1-3 stand rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 5,698,807 ("Massie"). Applicant respectfully traverses this rejection, since Massie does not disclose each and every element required by these claims, as amended.

In particular, independent claim 1 has been amended to clarify that the hearing aid comprises a microphone. In contrast, to the extent that the electronic music system disclosed in Massie can be considered a hearing aid, it does not include an input channel with a microphone, as required by claim 1.

Thus, Applicant submits that independent claim 1, as well as the claims depending therefrom (claims 2-3) are not anticipated by Massie, and as such, respectfully request withdrawal of the §102 rejections of these claims.

Claim Allowance

Applicant graciously acknowledges the allowance of claim 30-40.

New Claims

Newly added claims 41-44, which find support in the originally filed application (in particular, at page 8, lines 2-9), depend from independent claim 1, and are thus, patentable over the prior art for the same reasons as claim 1.

Conclusion

Based on the foregoing, it is believed that, with entry of this amendment, all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0600.

Respectfully submitted,



Michael J. Bolan  
Reg. No. 42,339

Dated: July 16, 2004

Bingham McCutchen LLP  
Three Embarcadero Center, 18th Floor  
San Francisco, California 94111